

ZB# 96-7

Margaret Abbott

14-8-05

Prelim.

Feb. 5, 1996

Need copies:

① Deed here

② Title Report none

③ Fees ① 50.00 here

② 300.00 here

④ Photos here

Notice to Sentinel 2/6/96

Public Hearing:

Feb. 26, 1996

Area Variances

approved.

Refund: \$203.00

#96-7-Abbott, Margaret
Area - 14-8-5.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

Feb 5 1976

Received of Richard W. Watt \$ 50.00

Fifty 00/100 DOLLARS

For 213A # 96-7

DISTRIBUTION

FUND	CODE	AMOUNT
CR # 317		50.00

By Dorothy H. Hansen

Town Clerk

Title

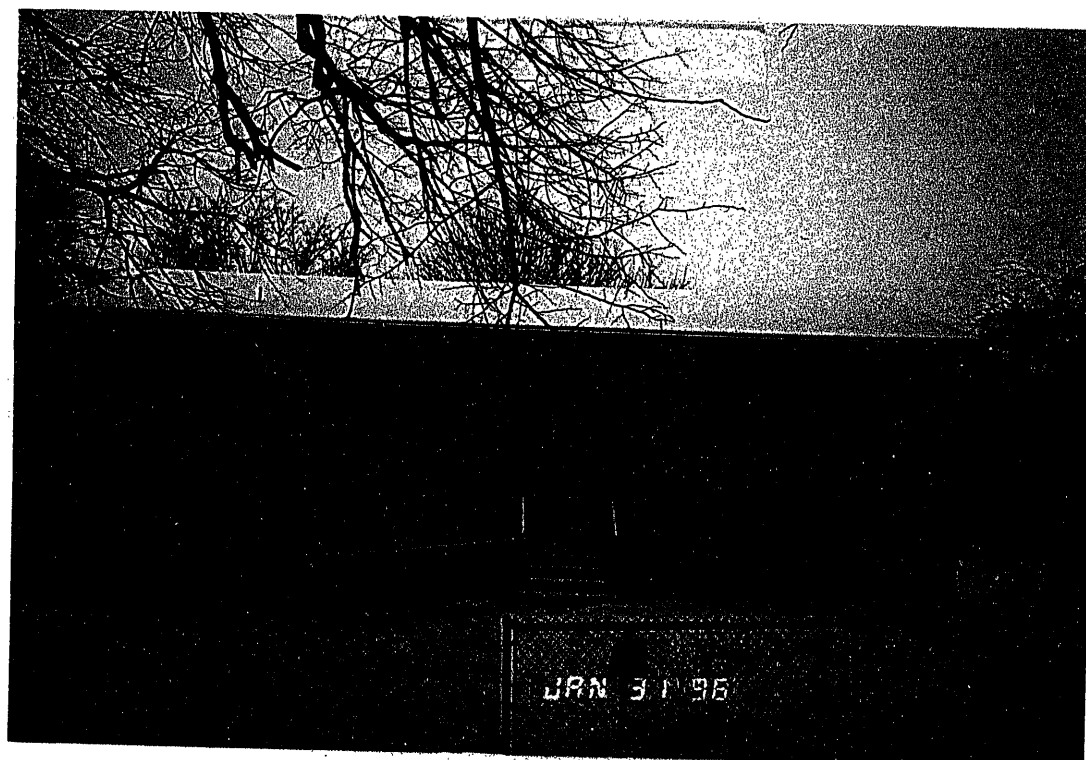
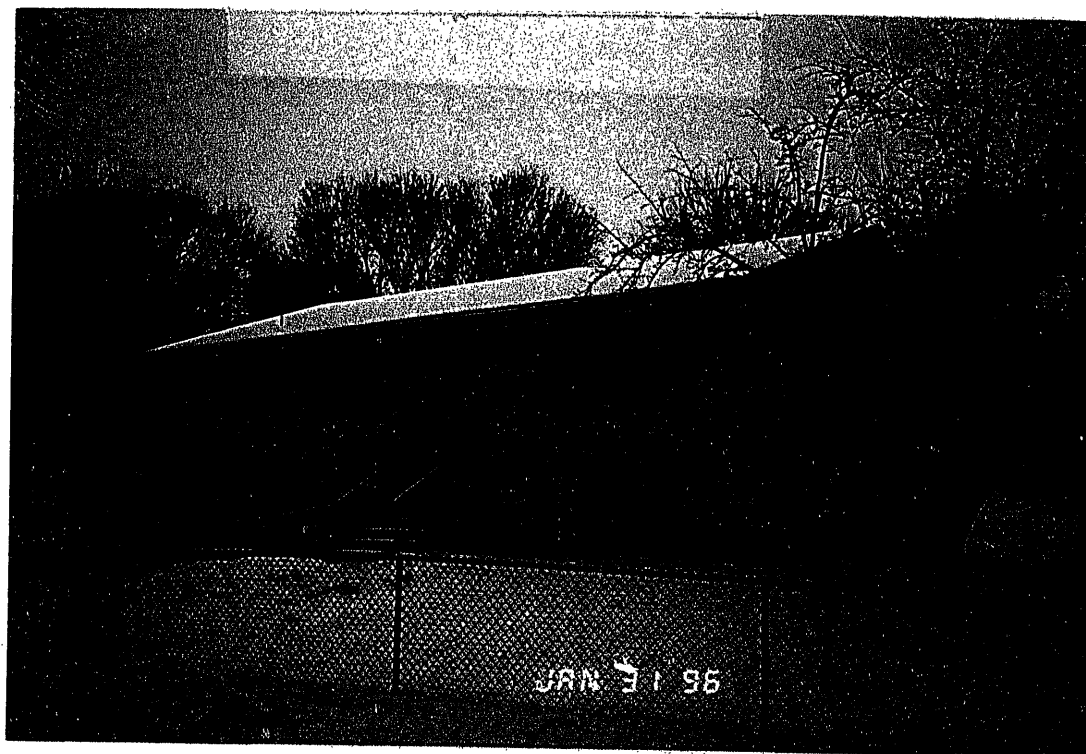
WILLIAMSON LAW BOOK CO. VICTOR, N.Y. 14564



FUND	CODE	AMOUNT
Ck# 317		50.00

© WILLIAMSON LAW BOOK Co., VICTOR, N.Y. 14564

By Dorothy W. Hansen
Town Clerk
 Title





6166

19-1-1-1

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Abbott, Margaret K.

FILE # 96-7

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE

\$ 50.00

*paid
2/5/96 # 317*

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES

\$ 300.00

*paid # 318
2/5/96*

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE *2/5/96 - 3 pages* \$ 13.50
2ND PRELIM. MEETING - PER PAGE *2/26/96 - 3 pages* \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *2/5/96* \$ 35.00
2ND PRELIM. *2/26/96* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

TOTAL \$ 97.00

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT \$ 203.00

(ZBA DISK#7-012192.FEE)

Date 11 March 5, 1976.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO: Richard W. FROST DR.

P.O. Box 2505

Newburgh, N.Y. 12550

Charge: ZBA

DATE		CLAIMED	ALLOWED
3/5	Refund of Escrow Overpayment #97-6	\$203 00	
	Approved: Patricia G. Barnhart		
	ZBA		

In the Matter of the Application of

MARGARET ABBOTT

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#96-7.

WHEREAS, MARGARET ABBOTT, 98 Gardnertown Road, Newburgh, New York 12550, has made application before the Zoning Board of Appeals for a 5,552 s.f. lot area, 8 ft. front yard on John Street and 9 ft. front yard on Ledyard, 5 ft. side and 2 ft. 6 in. rear yard variances on existing residence located at 33 John Street in a PI zone; and

WHEREAS, a public hearing was held on the 26th day of February, 1996 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared before the Board for this proposal by Richard Abbott; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The building is a residential building located in a PI zone.
 - (b) The building has been in existence for at least 30 years.
 - (c) The building was originally constructed pursuant to a building permit issued by the Town of New Windsor but no certificate of occupancy was ever issued.

(d) The surrounding properties are all similar to the home in question.

(e) Even if the building were destroyed and reconstructed, still the Code could not be satisfied as to over all square footage.

(f) There have never been any complaints about the building during the time that it has been constructed.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial but nevertheless should be granted because of the peculiar configuration and location of the property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is not self-created because the home was constructed on an approved building lot.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT 5,552 sq. ft. lot area, 8 ft. front yard on John Street and 9 ft. front yard on Ledyard Street, 5 ft. side yard and 2 ft. 6 in. rear yard variance on existing residence located at 33 John Street, in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 12, 1996.



Chairman

Date 2/4/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr. DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
2/26/96	Zoning Board Meeting		75.00	
	Misc - 1			
	SX19 - 21			
	JH Realty - 4			
	Wal-Mart - 10			
	Trail Tech - 5			
	Abraham 3 #1350			
	44 pgs		198.00	
			273.00	

ABBOTT, MARGARET

MR. NUGENT: Request for 5,552 square foot lot area, 8 ft. front yard on John Street and 9 ft. front yard on Ledyard, 5 ft. side and 2 ft. 6 in. rear yard variance on existing residence at 33 John Street.

Mr. Richard Abbott appeared before the board for this proposal.

MR. NUGENT: Let the record show that there is no audience.

MR. ABBOTT: I am Richard Abbott, Margaret Abbott's husband and I'm speaking for her tonight and all the conditions exist that were at the preliminary hearing, the house has been there for 30 some years and original application for building was issued by the Town of New Windsor, the building is consistent with the rest of the buildings in the area and although this variance is quite considerable, there's no safety hazard or health hazard or any other hazard that could stop it from being a viable piece of property and still on the tax rolls of New Windsor if this variance is accepted, given to me.

MR. LANGANKE: This doesn't predate zoning?

MR. NUGENT: What year was it built?

MR. ABBOTT: '69.

MR. KRIEGER: If I remember correctly, you received a building permit?

MR. ABBOTT: Building permit was issued by the Town of New Windsor, a C.O. was never issued and when we went for the C.O. we found that the building lot was too small.

MR. KRIEGER: It's completely surrounded by residential properties?

MR. ABBOTT: Other properties are all single family, some of them were much smaller lots, they predated.

MR. KANE: Very similar to your home?

MR. ABBOTT: Yeah, they are all very similar, on the two sides are both small lots, there's no possibility of buying more property to make the lot larger.

MR. KANE: And it's financially impossible to knock that down and build a house that will fit in that square property?

MR. ABBOTT: It would still not fit the overall square footage, you couldn't build on it if the house were knocked down.

MS. BARNHART: For the record, I sent out 27 notices and I did an affidavit of mailing on February 2nd.

MR. KRIEGER: During the time the building has been up, you have never to your knowledge have there ever been any complaints about any aspect to the building?

MR. ABBOTT: None since we owned it for ten years.

MR. KRIEGER: Prior to that, your mother owned it or was it your aunt?

MR. ABBOTT: No, this belonged to my wife's aunt, she built the house.

MR. KRIEGER: During the time she owned it, there were no complaints?

MR. ABBOTT: No complaints. Mostly relatives there.

MR. KRIEGER: Only way you could change this variance request would be to actually tear the building down and reconstruct?

MR. ABBOTT: You couldn't, the lot is not large enough.

MR. KRIEGER: You couldn't avoid them all, just some of them.

MR. KANE: I already asked that.

MR. NUGENT: No further questions.

MR. LANGANKE: I have no questions.

MR. NUGENT: I'll entertain a motion.

MR. KANE: I move that we approve the requested variances for Margaret Abbott at John Street and Ledyard.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

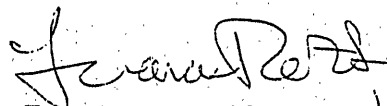
MR. LANGANKE: I move we adjourn.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

3/4/96

Prelim.

Feb-5, 1996.

#96-7.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JANUARY 18, 1996

APPLICANT: *Margaret*
~~MARGARET~~ ABBOTT
33 JOHN STREET
NEW WINDSOR, N.Y. 12553

Dick-561-0462

#

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED:

FOR (BUILDING PERMIT): #131 ISSUED OCTOBER 15, 1969

LOCATED AT: 33 JOHN STREET

ZONE: P-I USE R-4

DESCRIPTION OF EXISTING SITE: SECTION: 14, BLOCK: 8, LOT: 5
EXISTING ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

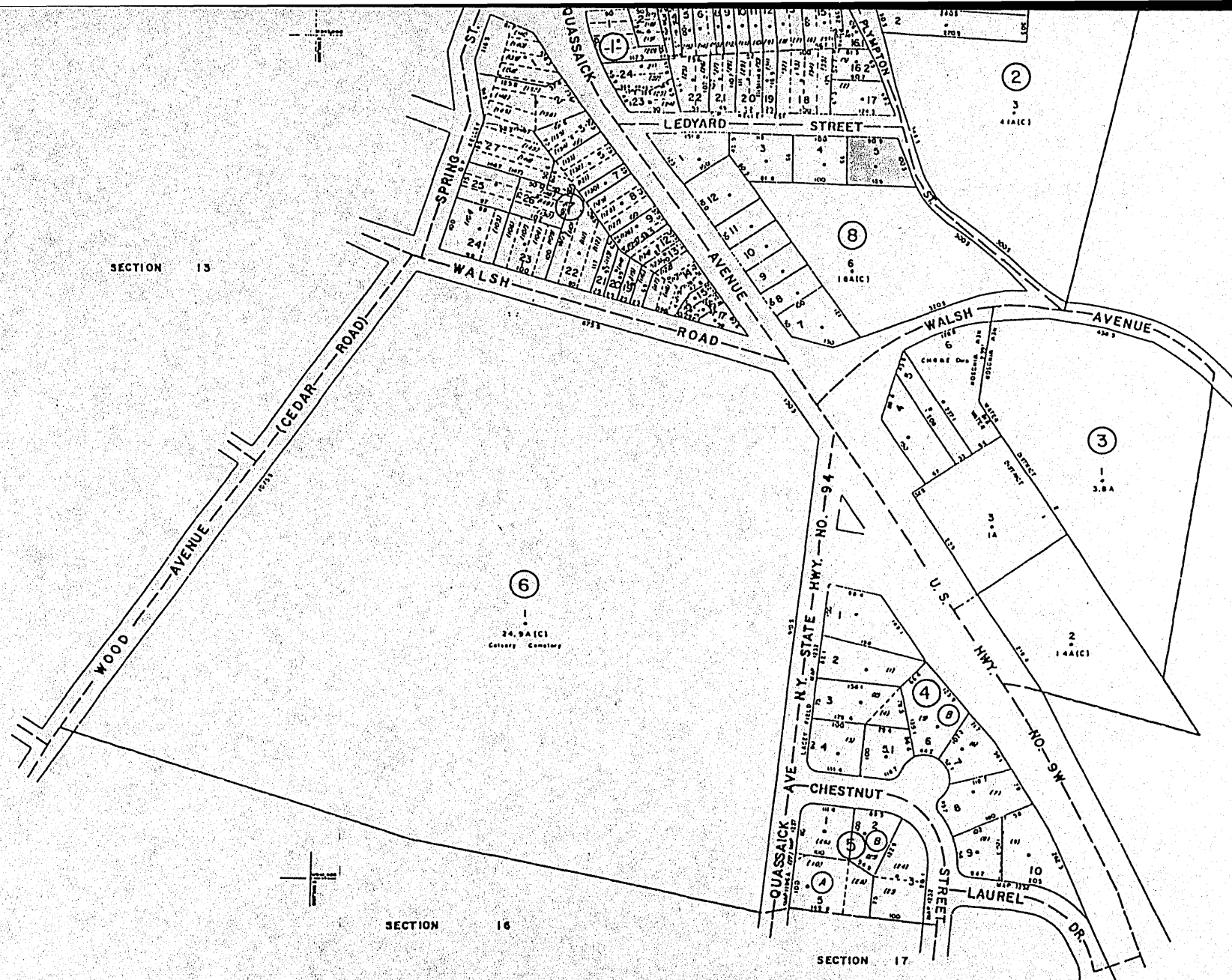
1. HOUSE DOES NOT MEET MIN. LOT SIZE - MIN. FRONT REAR OR SIDE YARD
SET-BACK.

[Signature]
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: P-I	USE R-4	
MIN. LOT AREA	15000 SQ.FT.	9448 SQ.FT. 5552 SQ.FT.
REQ'D FRONT YD	35FT.	JOHN ST. 27FT. 8FT. LEDYARD 26FT. 9FT.
REQ'D SIDE YD	15FT.	10FT. 5FT.
REQ'D REAR YD.	40FT.	37FT. 2FT. 6 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



SECTION 9

SECTION 16

SECTION 17

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSACK BRIDGE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., BOHEMEN, N. Y. 10824
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
ADJACENT PARCELS	FILED PLAN LOT LINE	TAX MAP PLAT NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	ADJACENT LOT	TAX MAP PLAT NO.	FILED PLAN LOT NO.
MARK A SECTION LINE	MARK A LOT	ADJACENT LOT	FILED PLAN LOT NO.
MARK A DISTRICT LINE	MARK A LOT	ADJACENT LOT	FILED PLAN LOT NO.
PROPERTY LINE	UND COORDINATE CENTRE	UND COORDINATE CENTRE	UND COORDINATE CENTRE

ORANGE COUNTY~NEW YORK
 Plate No. 14-30-31
 Date of Plate: 3-1-65
 Date of Map: 9-24-67
 Date of Revision: 3-1-81
 Scale: 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 14

Nº

131

OCT 15

19.69

BUILDING PERMIT

FEE: 27⁰⁰

A permit is hereby given by the Zoning Officer of the Town of New Windsor, Orange County, N. Y., for building as described:

Owner's Name ANNE KUBINA

Address JOHN ST

Architect's Name T. A.

Address

Builder's Name POMERICO BROS

Address R.D. #2 UNION AVE NEWBURGH N.Y.

Location of Building COR LEDYARD + JOHN ST

Material FRAMER 17 ASIMPH Number of Stories 1 Number of Families 1

Dimensions of Building 48 X 28 Dimensions of Lot 103 X 129

Use of Building 1 FAMILY RESIDENCE

Number of Toilets 1 Number of Baths 1

Heating Plant HOT WATER 14-8-5

I am familiar with the Zoning Ordinance of the Town of New Windsor.

Remarks:

Signature of Applicant H. W. ...

Approximate Cost \$18,000.00

- Action of —
- Planning Board
- Highway
- Water
- Sewer
- Zoning Board of Appeals.....

Lawrence Jones
Zoning Officer

A permit under which no work is commenced within 6 months after issuance shall expire by limitation and a new permit shall be secured before work is started.

Date 2/26/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances R. 147 S. Canmore Dr DR.
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
2/5/96		Zoning Board Meeting	75	00
		Misc - 2		
		VGR - 5		
		Schumacher - 5		
		Mans - 6		
		Wal-Mart - 6		
		Abbott - 3		
		Petro Metal 5 - 19		
		Kim - 3		
		Price Chopper - 4		
		<u>53 pgs</u>	238	50
			313	50

ABBOTT, MARGARET

MR. NUGENT: Request for 5,552 square feet lot area, 8 ft. front yard on John Street and 9 ft. front yard on Ledyard, 5 ft. side yard and 2 ft. 6 in. rear yard variance on existing residence at 33 John Street.

Mr. Dan Konkol appeared before the board for this proposal.

MR. KONKOL: I'm representing Margaret Abbott tonight. Dick Abbott, her husband is in attendance and the reason I volunteered my services having a little knowledge of this board, I thought I could make things expeditious for them, okay. The property in question came to Mrs. Abbott in 1986 from her aunt. She now is the owner. It was built in 1969, a building permit was issued and at that time, the building inspector was in error because the lot was undersized and there was several variances that were needed. Mrs. Abbott now does want to sell the property and she has to get a C.O. and in order to get the C.O., she has to correct the inconsistencies of the property. And in view of the criteria, it's all an area variances, she meets every criteria that is requested. The variances are not going to be detrimental to the health and safety of the neighborhood. The only way that she can get relief is to have the variances. While the variances are substantial, they should be granted because at the time of the construction, the requirements for the building were less restricted and since the residence is in a PI zone, the structure is non-conforming. It is a feeling of the applicant that granting the variance it will not have any adverse impact on the neighborhood either physically or environmentally and the difficulties are not self-created. The previous owner did apply and receive the building permit to construct it and I'd like to say the title passed from Mrs. Abbott's aunt to her in 1986 and that is the request for the public hearing for the variances.

MR. NUGENT: Corner lot?

MR. KONKOL: Yeah.

MR. KRIEGER: What's around it, what's in back of it, next to it, are they also one family homes?

MR. KONKOL: Yes, they are all one family homes.

MR. KRIEGER: And the lot hasn't change in size for the building since it was constructed, it's the same?

MR. KONKOL: Nothing, I believe the secretary has photographs.

MS. BARHNART: I passed them around.

MR. LANGANKE: When was this house constructed?

MR. KONKOL: 1969.

MR. NUGENT: That property down there was real a homestead, all of them.

MR. KONKOL: Now, the question, my public hearing comes up, can Mr. Abbott be here without an authorization from his wife?

MR. KRIEGER: She's the sole owner of the property?

MR. KONKOL: Yes. She's on the application.

MR. KRIEGER: Is there any, before I answer that definitively, is there any problem with getting a proxy signed?

MR. KONKOL: No, no, if you want it.

MS. BARNHART: She signed the application.

MR. KONKOL: Knowing this board, I want everything dotted and crossed.

MR. KRIEGER: Then that would remove all questions.

MR. KONKOL: Okay.

MR. NUGENT: Any further questions? I'll accept a motion.

February 5, 1996

26

MR. KANE: Mr. Chairman, I move that we set up Margaret Abbott for her requested variances at 33 John Street.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. KRIEGER: You already have this?

MR. KONKOL: Yes, thank you.

MR. KRIEGER: Dan, at the hearing, I need to look at the deed and title policy.

MR. KONKOL: She has them already.

MS. BARNHART: There's no title policy.

MR. KRIEGER: Then no problem, okay.

MS. BARNHART: I have the deed.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Margaret Abbott,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#96-7-----x

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On February 6, 1996, I compared the 27 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
day of , 19 .

Notary Public

(TA DOCDISK#7-030586.AOS)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 7

Request of MARGARET K. ABBOTT

for a VARIANCE of the Zoning Local Law to permit:

existing residence with less than the allowable lot area, side yard,
front yard on John Street and Ledyard Street, and rear yard;

being a VARIANCE of Section 48-12, Table of Use/Bulk Regulations.
Columns C, E, F and G,

for property situated as follows:

33 John Street, New Windsor, N. Y. 12553

known as tax lot Section 14 Block 8 Lot 5.

SAID HEARING will take place on the 26th day of February,
19 96, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

Thomas J. & Donna Curtin
17 Winchester Way
Washingtonville, N. Y. 10992

Claudia Torracco
81 John Street
New Windsor, N. Y. 12553

Alfred and Margaret Palumbo
186 Caesars Lane
New Windsor, N. Y. 12553

Mira Ellen Rumsey
% Mira Ellen Blythe
7 Perry Street
Morristown, N. J. 07960

Edward C. Reeves
19 Quassaick Avenue
New Windsor, N.Y. 12553

American Felt & Filter Co.
34 John Street
New Windsor, N.Y. 12553

Warren and Edith F. Craig
10 Wintergreen Avenue
Newburgh, N.Y. 12550

Toni Ann Catalano
P. O. Box 4139
New Windsor, N.Y. 12553

David Cleaves
8 Bridge Street
Cornwall, N.Y. 12518

Viviane Cook
72 Valley Avenue
Newburgh, N. Y. 12550

Roland and Marie Mitchell
87 John Street
New Windsor, N.Y. 12553

Marta Tinardo
79 John Street
New Windsor, N.Y. 12553

Ira Kroun
57 John Street
New Windsor, N. Y. 12553

Ernestine Anderson
Carman L. Torelli
27 Ledyard Street
New Windsor, N.Y. 12553

Dennis P. Deyo
R.R. 5, Todd Lane
Newburgh, N. Y. 12550

Patterson Materials Corp.
20 Harlem Avenue
White Plains, N.Y. 10603

Central Hudson Gas & Elec. Corp.
284 South Avenue
Poughkeepsie, N.Y. 12602

Salvatore Acquaro
16 Hillside Avenue
New Windsor, N. Y. 12553

Patrick Bianco
90 Frozen Ridge Road
Newburgh, N.Y. 12550

Carmine and Helen Messina
88 Blooming Grove Tpk.
New Windsor, N.Y. 12553

Jorge L. and Isabel Jimenez
85 John Street
New Windsor, N. Y. 12553

Frank Francan
243 Vails Gate Heights Drive
New Windsor, N.Y. 12553

Victor Bosacky
15 Ledyard Street
New Windsor, N. Y. 12553

Brenda Grevas
Route 1, Box 270-1A
Hays, N. C. 28635

Henry P. Sloboda
48 John Street
New Windsor, N.Y. 12553

Mans Brothers Realty, Inc.
P. O. Box 247
Vails Gate, N.Y. 12584

Richard A. Ostner
82 Bethlehem Road
New Windsor, N.Y. 12553

Marie Petro
24 Store Road
Newburgh, N.Y. 12550

Hermino and Zelandia Maldonado
44 Quassaick Avenue
New Windsor, N.Y. 12553

Glen T. Mitchell, Eugene H. Bernieri
and Arnold Sabino
501 Balmoral Circle
New Windsor, N. Y. 12553

Frank H. Reis Realty Corp.
79 N. Front Street
Kingston, N.Y. 12401

George and Bertha Traver
26 Quassaick Avenue
New Windsor, N.Y. 12553

Maryam Robare
221 Walsh Avenue
New Windsor, N. Y. 12550

Jose D. and Victoriana Camacho
Oscar Luis Acosta
217 Walsh Avenue
New Windsor, N.Y. 12553

Ann Ferguson and John J. Szloboda
14 Ledyard Street
New Windsor, N. Y. 12553

Mathias J. Sloboda
Gloria C. Hryniewicz
4 Ledyard Street
New Windsor, N. Y. 12553

Natashia and Lenora Grable
257 Walsh Avenue
New Windsor, N. Y. 12553

Saffioti Bros. Inc.
61 Quassaick Avenue
New Windsor, N. Y. 12553

Francis Dubetsky
89 Harrigan Road
Hopewell Jct., N. Y. 12533

Mario A. and Ezenia Espana
57 Quassaick Avenue
New Windsor, N. Y. 12553

Zygmunt and Stella Orzechowski
61 Blanche Avenue
New Windsor, N. Y. 12553

Arthur E. Gray
45 Quassiack Avenue
New Windsor, N. Y. 12553

Masud N. Naraghi
70 John Street
New Windsor, N. Y. 12553

Twin Bridge Group Inc.
% Roskoski & Otto
710 Broadway
Newburgh, N. Y. 12550

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-7

Date: 2/5/96

I. Applicant Information:

- (a) ABBOTT, MARGARET K., 98 Gardnertown Road, Newburgh, N.Y. 12550 x
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☐) Use Variance (☐) Sign Variance
- (☒) Area Variance (☐) Interpretation

III. Property Information:

- (a) PI 33 John Street, New Windsor, N.Y. 14-8-5 90 x 100 s.f.+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4 Residential
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes.
- (d) When was property purchased by present owner? 5/7/86.
- (e) Has property been subdivided previously? No.
- (f) Has property been subject of variance previously? No.
If so, when? -.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Cols C,E,F,G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>15,000 s.f.</u>	<u>9,448 s.f.</u>	<u>5,552 s.f.</u>
Min. Lot Width <u>-</u>	<u>-</u>	<u>-</u>
Reqd. Front Yd. <u>35 ft.</u>	<u>27 ft.</u>	<u>8 ft.-John Street</u>
	<u>26 ft.</u>	<u>9 ft.-Ledyard Street</u>
Reqd. Side Yd. <u>15 ft.</u>	<u>10 ft.</u>	<u>5 ft.</u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>37 ft.</u>	<u>2 ft. 6 in.</u>
Reqd. Street Frontage* <u>-</u>	<u>-</u>	<u>-</u>
Max. Bldg. Hgt. <u>-</u>	<u>-</u>	<u>-</u>
Min. Floor Area* <u>-</u>	<u>-</u>	<u>-</u>
Dev. Coverage* <u>-</u> %	<u>-</u> %	<u>-</u> %
Floor Area Ratio** <u>-</u>	<u>-</u>	<u>-</u>
Parking Area <u>-</u>	<u>-</u>	<u>-</u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

A Building Permit (#131) was issued by the then Building Inspector, Lawrence Jones, to permit construction of the single-family residence under date of October 15, 1969 and was issued to Anna Kubina. After the death of Mrs. Kubina, the title to the residence was passed to Margaret K. Abbott, the Applicant herein. Applicant now desires to sell the parcel but must seek several area variances from the

(continued on page 3b)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

N/A

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

Zoning Board of Appeals as follows: (1) 5,552 sq. ft. lot area, (2) 8 ft. front yard on John Street, (3) 9 ft. front yard on Ledyard Street, (4) 5 ft. side yard and (5) 2 ft. 6 in. rear yard in order to obtain a Certificate of Occupation from the Building Inspector.

It is the feeling of the Applicant that the granting of the variances will not be detrimental to the health, safety or welfare of the neighborhood or community since the residence has existed since 1969 after the former owner applied for and received a Building Permit as referenced above.

The only feasible method which applicant can pursue is the variance process in order to obtain the Certificate of Occupancy.

Applicant feels that the variances sought are substantial but should be granted because at the time of the construction of the residence the requirements for a building lot were less restricted and since the residence is located in a PI zone, Applicant's structure is non-conforming.

It is the feeling of the Applicant that the granting of the variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district for the reasons stated herein.

The difficulties stated above are not self-created. The previous owner applied for and received a Building Permit to construct the residence. Applicant purchased the parcel with the residence thereon and now seeks to correct the inconsistencies by applying for the within area variances.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

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upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The structure has existed since 1969. There will be no changes to the property other than the usual maintenance of structure and grounds.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: February 5, 1996

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Margaret K. Abbott
(Applicant)
MARGARET K. ABBOTT

Sworn to before me this

5th day of February, 1996.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1997